IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7805 of 1995

Between:

1 K. Surya Kala, w/o Sayanna,
R/o Siddipet, MedakDist.
2 Smt. V. Durgamma, w/o Bhadraiah,
R/o Lingareddipalli, Siddipet (M),
Medak Dist.
3 Smt. V. Manjula, W/o Ramesh,
R/o Lingareddipalli, Siddipet (M),
Medak Dist.
4 G. Anandam, s/o Satyanarayana,
R/o Lingareddipalli, Siddipet (M),
Medak Dist.

..... PETITIONER(S)

AND

1 The Mandal Revenue Officer,
Siddipet, Medak Dist.
2 The Revenue Divisional Officer
Siddipet, Medak Dist.
3 The Executive Officer
Lingareddipalli, Grampanchayat
Siddipet (M), Medak Dist.

(R-3 is impleaded as per court order date27-4-1985 in WPMP 10742/95)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order of direction, more particularly one in the nature of writ of Mandamus, forbearing the respondents herein from interfering with the structures

made by the petitioners in S.No. 1611 situated in Lingareddypalli (V), Siddipet (M), Medak Dist by declaring the action of the respondents as illegal and viod

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

This writ petition is filed praying for a direction to the respondents not to demolish the structures made by the petitioners in their land in Sy.No.1611 of Lingareddypalli village, Siddipet, Medak District.

According to the petitioners, they inherited the land in Sy.Nos.1610, 1611 and 1612 from their fore fathers and they were given pattas also in respect of Ac.0-08 guntas in Sy.No.1611. Even though, they made constructions on the land in the said survey numbers, after obtaining permission from the gram panchayat, the respondents are trying to demolish the structures made by them on the land in Sy.No.1611 without issuing any notice and without following the due process of law is the grievance of the petitioners.

In the counter affidavit filed by the 1st respondent, it is admitted that the lands in Sy.Nos.1610 and 1612 are patta lands and the fore fathers of the petitioners are owners of the said lands. But, the respondents denied that the petitioners were granted pattas in respect of Ac.0-08 guntas in Sy.No.1611 and it is further stated in the counter that the petitioners have encroached the Government land in Sy.No.1611 and made constructions threon and when the respondents were trying to take action in accordance with law, the petitioners have approached this Court and stalled further proceedings by way of obtaining interim directions.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

There is no dispute, as admitted by both sides, with regard to the land in Sy.Nos.1610 and 1612. The dispute is only with regard to an extent of 0-22 guntas of land in Sy.No.1611. While the case of the petitioners is that they were given pattas in respect of Ac.0-08 guntas in Sy.No.1611, the respondents contend that

pattas were not issued in respect of the said land and the petitioners have encroached the government land and made constructions thereon. The case of the petitioners is that they have not encroached any portion of the government land and they made constructions on their own land only, but the respondents are unnecessarily interfering with their possession without issuing any notice. Even the counter affidavit does not disclose that the respondents have issued any show cause notice to the petitioners with regard to the alleged encroachment, before taking any action in accordance with law.

In the circumstances the writ petition is disposed of with the following directions:

The respondents are directed to issue notice calling for the explanation of the petitioners and if necessary to conduct a survey with regard to the land in question and take necessary action after following the due process of law. Till such time, status quo obtaining as on today, shall be maintained by the parties. No costs.

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13-8-2004

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1. The Mandal Revenue Officer,
   Siddipet, Medak Dist.

2 The Revenue Divisional Officer
   Siddipet, Medak Dist.

3 The Executive Officer

Lingareddipalli, Grampanchayat
Siddipet (M), Medak Dist.

4. Two C.Cs. to the G.P. for Revenue, High Curt Buildings (OUT)

5. Two C.D copies